

Order

Michigan Supreme Court
Lansing, Michigan

November 23, 2011

Robert P. Young, Jr.,
Chief Justice

143543

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 143543
COA: 297917
Kent CC: 09-012523-FH

VICTOR HUGO HERNANDEZ-PEREZ,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the June 16, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE in part the judgment of the Court of Appeals. The statements made on the record regarding the potential length of the defendant's sentence could not reasonably have led him to believe that the plea agreement had a sentencing component, specifically a promise that he would be sentenced to one year in the county jail. The Kent Circuit Court judge clearly stated that no promise had been made about the sentence the defendant would receive. The defendant is therefore not entitled to withdraw his plea.



d1116

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 23, 2011

Corbin R. Davis

Clerk